

REMARKS

Claims 1-16 are pending in this application. Editorial revisions have been made to claims 1-8 in order to place these claims into proper U.S. format, correct antecedent basis problems, and fix other formal issues. Claims 9-16 have been newly added. Editorial revisions have also been made to the specification. No new matter has been added. Applicants respectfully request reconsideration and allowance of claims 1-16.

Amendments to the Specification

Editorial revisions have been made to the specification in order to insert section headings per the Examiner's request. No new matter has been added. Applicants assert that the objection is overcome and respectfully request that the objection to the specification be withdrawn.

§ 112 Rejections

Claims 4 and 5 have been rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. In particular, the Examiner expressed confusion over the phrase "at least two monitoring targets are associated with each station, said two targets also being associated with another station." Applicants respectfully traverse the rejection.

Claim 4 is supported *e.g.* on page 5, lines 30-39 of the specification and in Figure 3. In particular, each station S_1 - S_4 is associated with at least two monitoring targets C_i . Therefore, claim 4 meets the enablement requirement. Claim 5 depends from claim 4 and is allowable for at least the same reasons. Applicants respectfully request reconsideration and allowance of claims 4 and 5.

Claims 4 and 5 have been rejected under 35 U.S.C. §112, second paragraph, for being indefinite. The rejection once again focuses on the phrase discussed above. Applicants respectfully traverse the rejection.

Claim 1 recites, in part, that at least one of the monitoring targets is associated with at least two stations. Claim 4 merely recites the converse of this relationship. Each station is associated with at least two monitoring targets. The second half of the phrase in question, after the comma, has been amended to clarify that each of the monitoring targets is associated with another station. This simply applies the condition previously noted in claim 1 to all of the monitoring targets. Furthermore, the amendment does not change the meaning of the claim, but

merely clarifies the meaning. It logically follows that if at least two monitoring targets are associated with each station, and the two monitoring targets are also associated with another station, then each of the targets must be associated with at least two stations. Therefore, Applicants respectfully request reconsideration and allowance of claims 4 and 5.

§ 102 Rejections

Claims 1-8 have been rejected under 35 U.S.C. 102(a) as being anticipated by United States Army Corps of Engineer Manual (hereinafter "the EM reference"). Applicants respectfully traverse the rejection.

Claim 1 recites, in part, a monitoring system for monitoring movements of construction work parts. The system includes a plurality of measurement taking stations configured to sight targets, a plurality of reference targets linked to at least one of the plurality of stations, and a plurality of monitoring targets mounted on the construction work parts. At least one of the measurement taking stations is configured to mount to, at least in part, and move with the construction work parts. At least one of said monitoring targets is associated with at least two stations.

In contrast, the EM reference discloses a monitoring system including "stable monuments set near the structure as a permanent reference frame for tracking movement of the structure." See page 8-11, paragraph *d*. The EM reference fails to disclose or suggest a measurement taking station configured to mount to, at least in part, and move with the structure. In fact, the EM reference teaches away from the idea of mounting one or more measurement taking stations to construction work parts. Rather, each of the stations must be stable and, hence, cannot be subject to movement.

In addition, Applicants respectfully point out that reference labels C-1 through C-5, U-1 through U-3, and D-1 through D-3 indicate monitoring points (i.e. points being monitored) and not measurement taking stations in Figures 9-12 and 9-13. The stations, which are referred to as "reference stations" in the EM reference, are indicated by reference labels R-1 through R-4. See *id*. The points labeled U-1 through U-3 and D-1 through D-3 are located at the base of the structure being monitored. See *e.g.* caption under Figure 9-13. Therefore, the stations indicated at labels R-1 through R-4 cannot be mounted on the structure, but rather are mounted around the structure.

Therefore, for at least these reasons, the EM reference does not anticipate claim 1. Claims 2-8 depend from claim 1 and are allowable for at least the same reasons. Applicants respectfully request reconsideration and allowance of claims 1-8.

New Claims

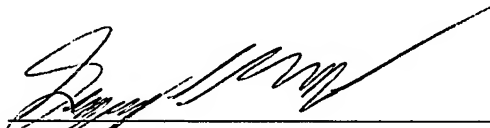
New claim 9 recites, in part, a system for monitoring movement of a structure. The system includes a plurality of measurement taking stations configured to sight targets, at least one of the measurement taking stations being configured to mount to the structure. Therefore, claim 9 is allowable for at least the same reasons as discussed above with respect to claim 1 and claims 10-16 are allowable for at least the same reasons as discussed above for claims 2-8. Applicants respectfully request examination and allowance of claims 9-16.

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: July 28, 2005



Gregory A. Sebold
Reg. No. 33,280
GAS/JKS/jt